

**Notice of Allowability**

Application No.

10/626,999

Examiner

Fred I. Ehichioya

Applicant(s)

CHENG ET AL.

Art Unit

2162

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/28/2007.
2. ☒ The allowed claim(s) is/are 1 - 4, 7 - 14, and 16 - 21 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____  |

## DETAILED ACTION

### *Examiner's Amendment*

1. During telephone conversation with Kenton Mullins (Reg. No. 36,331), Attorney for the Applicants on July 9, 2007 authorizations for this Examiner's amendment was given in a telephone interview.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### *In the claims,*

1. (Currently amended) A method for creating a new control chart using a computer, the method comprising:

- providing a database including a plurality of statistical process control (SPC) control charts and a plurality of tables;

- determining that information stored in at least one of the plurality of tables has changed;

- determining whether the changed information is describable by at least one of the plurality of SPC control charts;

- updating the at least one of the plurality of SPC control Charts with the changed information using the computer, upon a

determination that the changed information is describable by at least one of the plurality of SPC control charts;

creating a new control chart that can describe the changed information, upon a determination that the changed information cannot be described by at least one of the plurality of SPC control charts;

determining whether the new control chart is a new trend chart, which is a control chart that has not been previously used on tools of a. type that is associated with the new control chart;

calculating a plurality of control limit values, for the new control chart, when the new control chart is a new trend chart;

determining whether the control limit values of the new control chart are the same as control limit values of at least one of the plurality of SPC control charts, when the new control chart is not a new trend chart;

using on-line values for the control limit values of the new control chart, when the control limit values are the same;

sending a command to the server for determining whether to create the new control chart, and what control limit values to set for the new control chart, when the control limit values are not the same; and

applying the SPC control charts for monitoring production in manufacturing.

Claim 15 is cancelled.

16. (Currently amended) The method as set forth in claim 1-45, further comprising verifying the format of the plurality of SPC control charts and the plurality of tables.

17. (Currently amended) The method as set forth in claim 1-45, wherein the new trend chart is defined as a control chart that has not been previously used on tools of a type that is associated with the new control chart.

18. (Currently amended) The method as set forth in claim 1-45, wherein the calculating of a plurality of control limit values uses one or more predetermined functions to obtain optimized control limit values.

20. (Currently amended) The method as set forth in claim 1-45, further comprising adding the new control chart and the calculated plurality of control limit values to a negative list when the new control chart is not created.

***Allowable Subject Matter***

2. Claims 1 – 4, 7 – 14, 16 – 21 and 23 are allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance:

The prior arts of record, (USPN 6,839,713 and 7,072,899) fail to anticipate or render obvious the recited feature "determining whether the new control chart is a new trend chart, which is a control chart that has not been previously used on tools of

a. type that is associated with the new control chart; calculating a plurality of control limit values, for the new control chart, when the new control chart is a new trend chart; determining whether the control limit values of the new control chart are the same as control limit values of at least one of the plurality of SPC control charts, when the new control chart is not a new trend chart; using on-line values for the control limit values of the new control chart, when the control limit values are the same; sending a command to the server for determining whether to create the new control chart, and what control limit values to set for the new control chart, when the control limit values are not the same" as recited in the independent claim 1.

The dependent claims, being definite, further limiting, and fully enabled by the specification are also allowed.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya  
Patent Examiner  
Art Unit 2162

*Fred Ehichioya*

July 20, 2007

*Mohammad Ali*  
MOHAMMAD ALI  
PRIMARY EXAMINER